



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BYRON SMITH,

Plaintiff,

-against-

LAW OFFICE OF RICHARD ST. PAUL, ESQ., PLLC,

Defendant.

22-cv-5648

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LAW OFFICE OF RICHARD ST. PAUL, ESQ., PLLC,

ORDER

Third-Party Plaintiff.

-against-

INMARK MEDIA, LLC,
FRANCO CABRAL,
MARCO INVITOLO.

Third-Party Defendants.

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VICTORIA REZNIK, United States Magistrate Judge:

This third-party action began on August 17, 2023, by the filing of the Amended Answer and Third-Party Complaint and Summonses for the Third-Party Defendants. (ECF Nos. 70 – 76).

Thereafter, Inmark Media LLC (Inmark) was served on September 22, 2023, by serving the Secretary of State, and proof of service on Inmark was filed on October 11, 2023. (ECF No. 82). Franco Cabral (Cabral) was served on September 12, 2023, by personally serving Cabral, and proof of service on Cabral was filed on October 11, 2023. (ECF No. 81.)

Neither Inmark nor Cabral have appeared, answered, or otherwise moved in response to the Third-Party Complaint, and the time for answering the Third-Party Complaint has expired.

On February 7, 2024, this Court ordered Cabral and Inmark to appear on April 30, 2024, and to show cause why a default judgment should not be granted in favor of Third-Party Plaintiff. (ECF No. 96). Cabral and Inmark failed to appear at this hearing.

During the hearing, counsel for Third-Party Plaintiff introduced the following exhibits that corroborated Third-Party Plaintiff's damages: (1) Ex. 3: Chase Bank document showing a \$1,000 payment to "HAAHIGBEE ASSOCIATES" in connection with settlement of the lawsuit between Plaintiff Byron Smith and Third-Party Plaintiff; (2) Ex. 4 and Ex. 5: Chase Bank email confirmations showing subsequent payments made to "The Law Firm of Higbee Associates" of \$1,000 and \$800 respectively, also in connection with settlement of the lawsuit between Plaintiff Byron Smith and Third-Party Plaintiff; and (3) Ex. 6: Invoice from a process server showing a total amount paid by Third-Party Plaintiff of \$356.75.

As a result of the foregoing and for the reasons discussed on the record during the April 30, 2024, Show Cause Hearing, IT IS:

ORDERED, that default judgment as to liability be entered against Third-Party Defendants INMARK MEDIA, LLC, and FRANCO CABRAL; and it is further

ORDERED, ADJUDGED, AND DECREED that the Clerk shall enter judgment in favor of Third-Party Plaintiff, LAW OFFICE OF RICHARD ST. PAUL, ESQ., PLLC, against Third-Party Defendants, INMARK MEDIA, LLC and FRANCO CABRAL, in the amount of (1) \$2,800 of liquidated damages for payments made by Third-Party Plaintiff to Plaintiff Byron Smith via his attorneys at The Law Firm of Higbee and Associates, and (2)

\$356.75 of costs paid by Third-Party Plaintiff to a process server. This totals \$3,156.75.

Post judgment interest is to be calculated in accordance with 28 U.S.C. § 1961.

Accordingly, this case is closed. The Clerk of Court is directed to close out ECF No. 89.

SO ORDERED.

DATED: White Plains, New York
May 1, 2024



VICTORIA REZNIK
United States Magistrate Judge